THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.28098 of 2005

Date:02.01.2006

Between:

V.Visweswararao

-------PETITIONER

AND

The Registrar of Cooperative Societies and another

---------RESPONDENTS

ORDER:

The petitioner has been employed as a Manager in the second respondent society. Through its order, dated 29.10.2004, the society placed the petitioner under suspension on the allegation that the petitioner used to collect the amounts from the account holders, but did not enter the same in the ledgers. The main ground of attack by the petitioner is that the respondents did not follow the procedure prescribed under Section 59 of A.P. Cooperative Societies Act, 1964 (for short 'the Act'). He complains that the second respondent is not paying the subsistence allowance, though the order of suspension provides for it.

Heard the learned counsel for the petitioner and the learned Government Pleader for cooperation.

The petitioner is placed under suspension on the allegation that he collected the amount from the account holders, but did not account for it, in the ledger books. The truth or otherwise of this allegation, needs to be enquired into the disciplinary

proceedings, which have already been initiated. Section 59 of the Act, upon which, heavy reliance is placed, has no application to the facts of the case. That is a provision, which enables the Registrar of Cooperative societies to direct the management of the society to place an employee under suspension, if it is found during the course of an inquiry, audit or inspection under Sections 51, 52 and 53 of the Act, that such an employee was responsible for any financial irregularities. In other words, if during the course of the statutory proceedings under Sections 51, 52, and 53, a paid employee of the society is found responsible and the management remains indifferent, the Registrar is empowered to require the management to place such an employee under suspension. Such is not the case here. The management itself noticed certain irregularities said to have been committed by the petitioner and placed him under suspension. Existence of the reports, in pursuance of an inquiry, audit, or inspection under the provisions referred to above, is not a condition precedent for such an action. Hence, this Court is not inclined to interfere with the order of suspension.

So far as the grievance of the petitioner as to the non-payment of the subsistence allowance is concerned, it shall be open to the him to make a representation to the second respondent and the latter, in turn, shall pass appropriate orders thereon, within a period of four weeks from the date of receipt of such representation.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

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02.01.2006

kdl